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Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Letter dated 9 July 2010 from the Permanent Representative of Malaysia to the United Nations addressed to the Chair of the Committee

On behalf of the Government of Malaysia, I have the honour to submit herewith the report of Malaysia on its implementation of Security Council resolution 1896 (2009) concerning the Democratic Republic of the Congo.

I hope that this communication will be taken into full consideration by the Security Council Committee established pursuant to resolution 1533 (2004), and will be reflected as fulfilling Malaysia's obligations to cooperate with the Group of Experts in respect of the latter's mandate under paragraph 7 of resolution 1896 (2009). This communication is also intended to complete Malaysia's reporting obligations under paragraph 5 of resolution 1896 (2009).

(*Signed*) Hamidon **Ali**
Ambassador
Permanent Representative

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Annex to the letter dated 9 July 2010 from the Permanent Representative of Malaysia to the United Nations addressed to the Chair of the Committee

Report by Malaysia to the Security Council submitted pursuant to resolution 1896 (2009)

1. Malaysia remains committed to the implementation of the provisions of Security Council resolutions 1804 (2008), 1807 (2008), 1857 (2008) and 1896 (2009) concerning the Democratic Republic of the Congo.

2. Paragraph 5 of Security Council resolution 1896 (2009), inter alia, calls upon Member States to report to the Committee "on the actions they have taken to implement the measures imposed by paragraphs 1, 2 and 3" of said resolution.

3. Malaysia is pleased therefore to submit to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo the steps which Malaysia has taken to implement those obligations contained in resolution 1896 (2009) which are applicable to Malaysia.

I. Implementation of paragraph 1 of Security Council resolution 1896 (2009) and paragraph 1 of Security Council resolution 1807 (2008)

4. In addition to widely disseminating, through the Government machinery, Malaysia's obligations under resolution 1807 (2008), a number of domestic laws are already in place which may be utilized to prosecute perpetrators of arms-related offences. These include:

(a) The Corrosive and Explosive Substances and Offensive Weapons Act (1958), which criminalizes the possession of corrosive and explosive substances and the carrying of offensive weapons;

(b) The Arms Act (1960), which criminalizes the possession or use of arms and ammunition without relevant licences and permits;

(c) The Customs Act (1967), which regulates the import and export of all goods, including prohibited materials under treaty obligations.

5. Malaysia views seriously its obligations to the international community. To this end, in April 2010, the Malaysian Parliament passed the Strategic Trade Act (2010). The Act authorizes enforcement agencies to investigate and prosecute individuals involved in the export of weapons and dual-use equipment used specifically in the development of weapons of mass destruction. The Act also includes specific provisions on the control of exports, trans-shipment, transiting and brokering of strategic goods, including arms and related materiels, and other activities that will or may facilitate the design, development or production of weapons of mass destruction and their delivery systems.

II. Implementation of paragraph 3 of Security Council resolution 1896 (2009) and paragraphs 9 and 11 of Security Council resolution 1807 (2008)

6. Pursuant to Security Council resolution 1807 (2008), and in particular paragraph 9 of that resolution, the Immigration Department of Malaysia has taken active steps to prevent entry into or transit through its territories of the individuals specified in paragraph 13 of said resolution.

7. Furthermore, the Central Bank of Malaysia has also taken the necessary steps to comply with the Central Bank of Malaysia Act (2009), the Exchange Control Act (1953) and Security Council resolution 1807 (2008), by issuing circulars to all relevant financial institutions to freeze the funds, other financial assets and economic resources that are directly or indirectly owned or controlled by those individuals specified in paragraph 13 of resolution 1807 (2008).

III. Implementation of paragraphs 14 and 15 of Security Council resolution 1896 (2009)

8. Malaysia constantly monitors the industry that is principally involved with the acquisition and trading of mineral products by ensuring that the industry strictly conforms to existing domestic laws, reflecting international obligations. The Ministry of Natural Resources and Environment, in this regard, diligently produces the import and export licences for minerals and mineral goods. In this regard, the Ministry utilizes the following rules and regulations currently in place to regulate the control of imports and exports:

(a) The Customs Act (1967);

(b) Customs (Prohibition of Exports) Order (1998);

(c) Customs (Prohibition of Imports) Order (1998);

(d) Exchange Control Act (1953).

9. Malaysia reaffirms its commitment to its obligations under the Charter of the United Nations and stands ready to extend its cooperation to the Group of Experts and the Security Council Committee established pursuant to resolution 1533 (2004).